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1937 AGRICULTURAL CONSERVATION PROGRAM---EAST CENTRAL REGION RECEIVED

Composite of Provisions of the 1937 Agricultural
Conservation Program to Be Included in State
Bulletins for the States in the East Central Region

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Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, as amended, payments will be made, in connection with the effectuation of the purposes of section 7(a) of said Act for 1937, in accordance with the provisions of the bulletins of the respective States and such modifications or other provisions as may hereafter be made.

The 1937 Agricultural Conservation Program has been developed in accordance with the provisions of sections 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of any of the respective State bulletins is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose, and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payment and the soil-building allowance set forth herein are computed upon the basis of an appropriation of \$500,000,000 for the 1937 program and 85 percent participation by farmers. The payments calculated in accordance with the provisions of part I of the bulletin of any State may be increased or decreased depending upon the extent of participation in the Region, but any such variation will not be in excess of 10 percent.

PART I. RATES AND CONDITIONS OF PAYMENT

Payment will be made in connection with the utilization in 1937 of the land on any farm in the East Central Region, in the amounts and subject to the conditions hereinafter set forth.

Section 1. Payment for Diversion from Cotton, Tobacco, and Peanut Soil-Depleting Bases. For each acre diverted from any cotton, tobacco, or peanut soil-depleting base for the farm, payment will be made as follows:

- (a) Cotton. 5 cents per pound of the base yield per acre of cotton for the farm, for each acre diverted not in excess of 35 percent of the cotton soil-depleting base, except that, if such base is 5.7 acres or less, payment may be made for diverting all or any part of such base not to exceed 2 acres.
- (b) Tobacco: Flue-Cured, Burley, and Maryland. 5 cents per pound of the base yield per acre of such tobacco for the farm, for each acre diverted not in excess of 25 percent of the soil-depleting base for such kind of tobacco.

- (c) Tobacco: Fire-cured and dark air-cured. $3\frac{1}{2}$ cents per pound of the base yield per acre of such tobacco for the farm, for each acre diverted not in excess of 30 percent of the soil-depleting base for such kind of tobacco.
- (d) Peanuts. $1\frac{1}{4}$ cents per pound of the base yield per acre of peanuts for the farm, for each acre diverted not in excess of 15 percent of the peanut soil-depleting base.

Section 2. Payment for Diversion from the General Soil-Depleting Base.
For each acre diverted from the general soil-depleting base for the farm, not in excess of 15 percent of such base, payment will be made at a rate which will average \$9.00 per acre for the United States, ~~varied~~ among farms according to relative productivity of cropland used for the production of crops in the general soil-depleting base; provided, that payment will not be made for diversion from the general soil-depleting base for a farm unless crops in such base are normally grown in excess of the home consumption needs of the farm on an acreage not less than 15 percent of such base.

Section 3. Allowance for Soil-Building Practices. The soil-building allowance for the farm is the maximum amount for which payment may be made for carrying out soil-building practices. This allowance shall be the sum of such of the items set forth in subsections (a), (b), (c), and (d) below as are applicable to the farm; provided, that in no event will the soil-building allowance for any farm eligible to earn a diversion payment be less than \$10.00, and in no event will the soil-building allowance for any farm not eligible to earn a diversion payment be less than \$20.00.

A farm shall be eligible to earn a diversion payment if such farm has a cotton, tobacco, or peanut soil-depleting base, or if crops in the general soil-depleting base normally are grown in excess of the home consumption needs of the farm on an acreage not less than 15 percent of such base. Other farms shall not be eligible to earn a diversion payment; in addition, a farm for which the general soil-depleting base does not exceed 20 acres and for which there is no cotton, tobacco, or peanut soil-depleting base may be classified as not eligible to earn a diversion payment, if the operator elects not to make a diversion, even though food and feed crops normally are grown in excess of home consumption needs on an acreage not less than 15 percent of such base.

- (a) (1) On Farms Eligible to Earn a Diversion Payment (whether earned or not): \$1.00 for each acre in the minimum soil-conserving acreage for the farm.
- (2) On Farms Not Eligible to Earn a Diversion Payment: 60 cents cents for each acre of cropland, varied among States or other areas in accordance with variations from the average

productivity for all farms in the United States, or \$1.00 for each acre in the minimum soil-conserving acreage for the farm, whichever is larger.

(b) Commercial Orchards:

\$1.00 additional for each acre of commercial orchards on the farm on January 1, 1937.

(c) Commercial Vegetables:

\$1.00 additional for each acre on which only one crop of commercial vegetables was grown in 1936.

\$2.00 additional for each acre on which two or more crops of commercial vegetables were grown in 1936.

(d) Non-Crop Pasture:

25 cents additional for each acre of fenced non-crop ~~pasture~~ pasture land in excess of one-half of the number of acres of cropland on the farm, which is capable of maintaining during the normal pasture season at least one animal unit for each 5 acres of such pasture land.

The acreage of commercial orchards, of commercial vegetables, and of non-crop pasture, respectively, used in establishing the soil-building allowance for farms in any county or other area, shall not exceed such acreage as shall be established for such county or other area by the Agricultural Adjustment Administration.

Section 4. Payment for Soil-Building Practices. Payment will be made, within the limit of the soil-building allowance determined for the farm in accordance with section 3 above, for carrying out in connection with the 1937 Agricultural Conservation Program not later than October 31, 1937, any of the soil-building practices listed herein, upon the conditions and at the rates herein specified; provided, that the practice is carried out by such methods and with such kinds and quantities of seeds, trees, and other materials as conform to good farming practice, and that no part of the labor, seed, trees, or other materials used in connection with such practice is furnished in whole or in part by any State or Federal agency.

(a) Seeding Legumes and Perennial Grasses. For seeding approved seeds of any of the following crops, payment will be made at the rate per acre set forth below.

(1) Alfalfa: \$2.50.

(2) Red clover, mammoth clover, sericea, kudzu, or bluegrass or any mixture containing 50 percent or more by weight of legumes listed in paragraphs 1 or 2 of this subsection (a): \$2.00.

- (3) Austrian winter peas; vetch; crimson clover; alsike clover; sweet clover; annual lespedeza; orchard grass; reed canary grass; or any mixture containing 50 percent or more by weight of bluegrass or of legumes listed in paragraphs 1, 2, or 3 of this subsection (a): \$1.50.
- (4) White clover; bur clover; crotalaria; redtop; timothy; or any mixture of grasses or legumes listed in this subsection (a): \$1.00.
- (b) Growing Green Manure Crops and Cover Crops. Plowing or discing under as green manure any of the crops named below after the crop has attained a normal growth of at least two months, or leaving on the land certain of these crops grown in 1937. Payment will be made at the rate per acre specified for each such crop; provided, however, that if any practice listed in (1) or (2) below is carried out on land normally used to produce commercial vegetables the rate of payment for such practice shall be twice the rate per acre specified for such practice.
 - (1) Soybeans, velvet beans, or cowpeas, plowed or disced under: \$2.00.
 - (2) Crimson clover, Austrian winter peas, or vetch, plowed or disced under; rye, barley, wheat, Italian ryegrass, winter oats, or mixtures of these, plowed or disced under; Sudan grass, millet, sorghum, or sowed corn, plowed or disced under; soybeans, velvet beans, or cowpeas, not grazed or pastured when all of the forage is left on the land: \$1.00.
 - (3) Soybeans, sweet clover, or any combination of small grain and legumes, interplanted in commercial orchards, clipped or disced, and left on the land: \$1.50.
- (c) Mulching Orchards. Applying in commercial orchards not less than 2 tons per acre of mulching material in addition to leaving in the orchard all materials produced therein during 1937 from grasses, legumes, or green manure or cover crops. Payment will be made on a quantity not exceeding 5 tons per acre at the rate of \$2.00 per ton.
- (d) Planting Forest Trees. Planting forest trees on cropland or non-crop pasture land. Payment will be made at the rate of \$7.50 per acre.

- (e) Improving Land by the Use of Ground Limestone. Applying not less than 1,000 pounds per acre of ground limestone, or its equivalent 1/, on cropland or non-crop pasture land or not less than 500 pounds per acre if the application is made by drilling with the seed of any legume or perennial grass listed in subsection (a) of this section 4. Payment will be made on a quantity not exceeding $2\frac{1}{2}$ tons per acre at the rate of \$1.50 per ton 2/ in the States of Kentucky, Tennessee, Virginia, and West Virginia, and at the rate of \$2.25 per ton 2/ in the States of Delaware, Maryland, and North Carolina.
- (f) Improving Land by the Use of Superphosphate. Applying not less than 100 pounds per acre of 16 percent (20 percent) superphosphate, or its equivalent 3/, on any permanent pasture, or in connection with seeding or maintaining any legume or perennial grass listed in subsection (a) of this section 4. Payment will be made on a quantity not exceeding 500 pounds per acre at the rate of 60 cents (75 cents) per 100 pounds; or, if the superphosphate is applied in connection with a legume or perennial grass seeded in connection with a soil-depleting crop, at the rate of 30 cents ($37\frac{1}{2}$ cents) per 100 pounds.
- (g) Improving Land by the Use of Potash. Applying not less than 30 pounds per acre of 50 percent muriate of potash or its equivalent 4/, on land on which 16 percent (20 percent)

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- 1/ Equivalent quantities of other materials may be substituted for ground limestone; provided, that the quantities of other materials so substituted contain not less than the quantities, by weight, of calcium or magnesium oxide contained in the quantities of ground limestone specified. For purposes of this section 4(e) 100 pounds of ground oyster shell, 70 pounds of hydrated lime, or 50 pounds of burned lime, shall be considered, respectively, to be equivalent to 100 pounds of ground limestone.
- 2/ In designated counties, where the cost of transportation is higher or lower, rates higher or lower than the rates indicated herein may be paid.
- 3/ Equivalent quantities of other materials may be substituted for 16 percent (20 percent) superphosphate; provided, that the quantities of other materials so substituted contain not less than the quantities, by weight, of phosphoric acid contained in 16 percent (20 percent) superphosphate, except that if ground rock phosphate is substituted the quantity of ground rock phosphate so substituted shall be not less than $1\frac{1}{2}$ (-) times the quantity of 16 percent (20 percent) superphosphate.
- 4/ Equivalent quantities of other materials may be substituted for 50 percent muriate of potash; provided, that the quantities of other materials so substituted contain not less than the quantities, by weight, of potash contained in the quantity specified of 50 percent muriate of potash.

superphosphate or its equivalent is applied in accordance with paragraph (f) above. Payment will be made on a quantity not exceeding 250 pounds per acre, at the rate of \$1.00 per 100 pounds; or, if the muriate of potash is applied as above in connection with a legume or perennial grass seeded in connection with a soil-depleting crop, at the rate of \$0.50 per 100 pounds.

- (h) Control of Erosion by Terracing (in designated areas). Terracing cropland or non-crop pasture land which the County Committee finds is in need of terracing, with a sufficient amount of properly constructed terrace to give adequate protection against erosion. Payment will be made at the rate of 40 cents per one hundred feet.
- (i) Control of Erosion on Cropland by Subsoiling (in designated areas). Subsoiling cropland, which the County Committee finds is in need of subsoiling, to a depth of at least 18 inches with furrows sufficiently close together to completely break the subsoil, Payment will be made at the rate of \$2.00 per acre.

Section 5. 1937 Acreage of Soil-Conserving Crops. If the 1937 acreage of soil-conserving crops on the farm is less than the minimum acreage of soil-conserving crops (that is, the number of acres in the soil-conserving base plus the number of acres diverted from soil-depleting bases in 1937 upon which payment will be made), a deduction will be made from any payment which otherwise would be made with respect to the farm at the rate of \$3.00 per acre of such deficiency.

A diversion payment will in no event be made with respect to a greater number of acres than the 1937 acreage of soil-conserving crops on the farm.

Section 6. Increase in Acreage of Soil-Depleting Crops. If the 1937 acreage of cotton, tobacco, peanuts or general soil-depleting crops, respectively, on a farm is in excess of the soil-depleting base therefor, deduction will be made from any payment which otherwise would be made with respect to the farm as provided below.

- (a) For each acre of cotton, tobacco, or peanuts in excess of the soil-depleting base, a deduction at the rate of payment for diversion for such crop.
- (b) For each acre of general soil-depleting crops in excess of the general soil-depleting base, a deduction at the rate of payment for diversion for such crops; provided, that no deduction will be made for general soil-depleting crops in excess of the base if such crops are required for home consumption on the farm or if the County Committee finds that such crops are grown in order to replace a shortage of feed crops on the farm caused by drouth or other unfavorable weather conditions in 1936 or 1937.

Section 7. Association Expenses. There shall be deducted pro rata from the payments made to members of each County Agricultural Conservation Association all or such part, as the Secretary may prescribe, of the estimated administrative expenses incurred or to be incurred by such association in cooperating in carrying out the Soil Conservation and Domestic Allotment Act.

There shall be credited to each County Agricultural Conservation Association for the payment of administrative expenses the sum of \$2.00 per application for that number of applications submitted by members of such association under which it is estimated by the Agricultural Adjustment Administration the total payment (prior to deduction of any administrative expenses) will be \$20.00 or less.

Section 8. Applicability to Farms under Special Programs. The Secretary may designate one or more counties or other areas for which special programs for 1937 will be developed under the Soil Conservation and Domestic Allotment Act. In the event that any such county or other area is designated, the allowances, rates, and conditions of payment for such county or other area will be set forth in a special bulletin and the provisions of the State bulletin shall not be applicable in such county or other designated area.

On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration payment will be made only for such diversion and for carrying out such soil-building practices as are, prior to performance, approved for the farm by the County Committee in accordance with instructions issued by the Secretary.

Section 9. Payments Restricted to Effectuation of Purposes. All or any part of any payment which otherwise would be made to any person may be withheld if any practice is adopted by such person, which the Secretary determines tends to defeat the purposes of the 1937 Agricultural Conservation Program.

PART II. CLASSIFICATION OF CROPS

Farm land, when devoted to the crops and uses indicated hereinafter, shall be classified in the manner set forth in this Part II.

Section 1. Soil-Depleting Crops. Land on which any of the following crops is grown shall be regarded as used for the production of a soil-depleting crop for the year in which such crop is normally harvested. The acreage of land which is devoted to two or more soil-depleting crops in the same year shall be counted as soil-depleting only once.

- (a) Corn (field, sweet, and popcorn).
- (b) Cotton.
- (c) Tobacco.
- (d) Peanuts harvested for nuts.
- (e) Broom corn.
- (f) Truck and vegetable crops, including also melons, strawberries, potatoes, and sweet potatoes.
- (g) Sorghum, when harvested.
- (h) Small grains: wheat, oats, barley, rye, buckwheat, and grain mixtures; cut for hay or grain.
- (i) Annual grasses: Sudan, millet, and Italian ryegrass, harvested for hay or seed.
- (j) Summer legumes: Soybeans, velvet beans, field peas, and cowpeas; harvested for grain or hay (in specified counties).
- (k) Bulbs and flowers.

Section 2. Soil-Conserving Crops. Land devoted to any of the following crops and not used in the same year for the growing of any soil-depleting crop, as defined in Section 1 of this Part II, shall be regarded as used for the production of a soil-conserving crop, except as otherwise provided in Section 3 below. Cropland from which no crop is harvested during 1937 and which is planted in 1937 not later than October 31 to any crop listed below (other than small grains seeded alone in the fall) shall be considered as soil-conserving. If two or more soil-conserving crops are grown on the same land during any year the acreage of such land counted as soil-conserving shall not exceed the acreage on which such crops are grown.

- (a) Biennial and perennial legumes: Sweet, red, alsiko, white, and mammoth clovers; alfalfa; kudzu; and sericea.
- (b) Miscellaneous legumes: Vetch, Austrian winter peas; bur clover and crimson clover; annual varieties of lespedeza; crotalaria.
- (c) Summer legumes: Soybeans, velvet beans, field peas, and cowpeas, in other than specified counties; and when not harvested for grain or hay in specified counties.
- (d) Peanuts, when pastured.
- (e) Annual grasses: Sudan, millet, and Italian ryegrass, not harvested for hay or seed.
- (f) Perennial grasses: Bluegrass, Dallis, redtop, timothy, orchard grass, Bermuda, carpet grass, reed canary grass, and mixtures of these.
- (g) Small grains: Rye, oats, barley, wheat, buckwheat, and grain mixtures, when not cut for grain or hay, provided a good growth is left on the land or plowed under.
- (h) Forest trees, planted on cropland since January 1, 1934.
- (i) Sweet sorghums, not harvested.

Section 3. Soil-Conserving Crops Grown on Land Used for the Production of a Soil-Depleting Crop. Land devoted to any of the combinations of soil-conserving and soil-depleting crops listed below shall be classified as follows:

- (a) Acreage on which summer legumes are interplanted or grown in combination with soil-depleting row crops. The entire acreage shall be classified as soil-depleting, and one-half of the acreage also shall be classified as soil-conserving provided the legume occupies at least one-half of the land and attains a good growth.
- (b) Acreage on which mixtures of legumes and soil-depleting crops (winter legumes and small grains, or summer legumes and annual grasses) are harvested. The entire acreage shall be classified as soil-depleting, and one-half of the acreage also shall be classified as soil-conserving provided not less than 50 percent of the total growth harvested consists of such legumes.

- (c) Acreage of legumes or of a legume and perennial grass following a soil-depleting crop harvested in the same year (whether seeded in or following such crop). The entire acreage shall be classified as soil-depleting, and one-half of the acreage also shall be classified as soil-conserving, except that if the legume is an annual winter legume (crimson clover, vetch, or Austrian winter peas) the entire acreage also shall be classified as soil-conserving.
- (d) Acreage of the crops listed in subsection (b) of section 4 of part I plowed under as green manure after having attained at least two months' normal growth on land from which a commercial vegetable crop is harvested in the same year. The entire acreage of commercial vegetables shall be classified as soil-depleting and the entire acreage also shall be classified as soil-conserving.

Section 4. Neutral Uses. Land devoted to the following uses shall be regarded as not used for the production of a soil-depleting crop or a soil-conserving crop:

- (a) Vineyards, tree fruits, small fruits, bush fruits, nut trees, and nursery stock not interplanted (any portion of the area which is interplanted shall carry the classification and actual acreage of such interplanted crop).
- (b) Idle cropland.
- (c) Cultivated fallow land.
- (d) Waste land, roads, lanes, lots, yards, and other similar non-crop land.
- (e) Woodland, other than cropland planted to forest trees.

PART II. ESTABLISHMENT OF BASES

The County Committee will recommend for approval by the Secretary a general soil-depleting base, a cotton soil-depleting base, a tobacco soil-depleting base, a peanut soil-depleting base, and a soil-conserving base for each farm participating in the 1937 Agricultural Conservation Program. Such bases shall represent the acreage normally used for the production of general soil-depleting crops, cotton, tobacco, peanuts, and soil-conserving crops, respectively, on such farm. The County Committee also will recommend for each farm a base yield per acre for cotton, tobacco, and peanuts, and a rate of payment for diversion from the general soil-depleting base for the farm.

Section 1. Farms for Which Soil-Depleting Bases Were Established Under the 1936 Program. The soil-depleting bases established for farms under the 1936 Agricultural Conservation Program, together with the accompanying base yields or rates of payment per acre, shall be used as a basis for determining the soil-depleting bases, base yields, or rates per acre for such farms in 1937, with adjustment as provided below.

Section 2. Farms For Which Soil-Depleting Bases Were Not Established Under the 1936 Program. On farms for which bases were not established under the 1936 Agricultural Conservation Program, the bases and yields or rate per acre shall, subject to adjustment as provided hereinafter, be determined as follows:

(a) Cotton Base and Yield. A cotton soil-depleting base may be established for a farm:

- (1) If one acre or more of cotton was planted on the farm in 1935 or 1936, or
- (2) If the entire base cotton acreage for the farm was retired in 1935 under a cotton acreage reduction contract, or
- (3) If the County Committee determines that cotton was not planted in either 1935 or 1936 because of unusual weather conditions.

The cotton soil-depleting base and base yield for a farm will be determined upon the basis of the base established under the 1935 cotton acreage reduction program, or, if no such base was established, upon the basis of the acreage grown and yield obtained on the farm in the year 1936.

(b) Tobacco Base and Yield. A tobacco soil-depleting base may be established for any farm on which tobacco was grown in either 1935 or 1936, and for other farms on which the County Committee determines that tobacco was not planted in 1935 or 1936 because of unusual weather conditions.

The tobacco soil-depleting base and base yield for a farm shall be determined upon the basis of the base established for the farm under the 1936-39 tobacco production adjustment program, or, if no such base was established, upon the basis of the acreage grown and yield obtained on the farm in the year 1936.

- (c) Peanut Base and Yield. A peanut soil-depleting base may be established for any farm on which peanuts were grown in 1935 or 1936, and for other farms on which the County Committee determines that peanuts were not planted in 1935 or 1936 because of unusual weather conditions.

The peanut soil-depleting base shall be determined upon the basis of the allotted acreage under the 1935 peanut production adjustment program, or, if there was no such allotted acreage, upon the basis of the acreage of peanuts harvested for nuts on the farm in 1936. The base yield of peanuts for the farm shall be that recommended by the County Committee on the basis of the yield per acre on the farm in 1936.

- (d) General Soil-Depleting Base and Rate Per Acre. A general soil-depleting base may be established for any farm if soil-depleting crops other than cotton, tobacco, or peanuts were produced thereon in the year 1935 or 1936, and for such other farms as the County Committee determines, in accordance with instructions, are eligible upon the basis of the past production on the farm or by the operator.

The general soil-depleting base for a farm shall be determined upon the basis of the acreage of general soil-depleting crops grown on the farm in 1936. The rate of payment per acre shall be determined upon the basis of the estimated yield per acre for the farm of the crop used under the 1936 program in determining the rate of payment per acre for other farms in the locality.

Section 3. Adjustment in Soil-Depleting Bases.

- (a) Inequitable Bases. The soil-depleting base, the base yield, or the rate of payment per acre determined for each farm in accordance with the provisions of this Part II shall be adjusted upward or downward whenever necessary so as to be equitable for such farm as compared with farms in the same locality which are similar with respect to the past production of crops, size, type of soil, topography, production facilities, and farming practices.
- (b) Unused Bases. If the acreage of cotton, tobacco, peanuts, or of crops in the general soil-depleting bases planted on a farm in the years 1935 and 1936 has been substantially less than the acreage which could have been planted on the farm in such years with maximum payments with respect to such crops, under

the 1935 production adjustment programs or the 1936 agricultural conservation program, and such deficiency was not caused by unusual weather conditions; the base shall be adjusted by the County Committee so as to reflect the plantings on the farm in 1935 and 1936 and so as to be equitable as compared with other farms in the locality which are similar with respect to past production of crops, size, type of soil, topography, production facilities, and farming practices.

- (c) Changes in Crop Classification. The acreage of small grains harvested for grain or hay, and the acreage of corn interplanted with legumes, classified as soil-conserving in establishing the general soil-depleting base for 1936 for any farm shall be added to such 1936 base in determining the general soil-depleting base for 1937.
- (d) Rate of Payment per Acre. The rate of payment for diversion from the general soil-depleting base for each farm for which such a rate was established in 1936 shall be adjusted so as to conform to the adjustment in the average rate of such payment for the United States and shall in each case reflect the relative productivity of cropland used for the production of crops in the general soil-depleting base.
- (e) Notwithstanding the provisions of sections 1 and 2 of this Part III, the Secretary reserves the right to provide for the establishment of any base for a farm in conjunction with a decrease in any other base for the farm under such conditions and within such limits as he may prescribe.

Section 4. Limits of Soil-Depleting Bases. The general soil-depleting bases, the cotton soil-depleting bases, the tobacco soil-depleting bases, and the peanut soil-depleting bases, respectively, established for all farms participating in the 1937 Agricultural Conservation Program in any county or other specified area, shall not exceed the acreage for each such soil-depleting base which is established for such farms in such county or other specified area by the Agricultural Adjustment Administration.

The total of the cotton, tobacco, or peanut soil-depleting bases, respectively, established in 1937 for farms on which such bases were not established in 1936, or on which no cotton or tobacco base acreage or allotted peanut acreage was established under a commodity adjustment program in 1935, shall not exceed such acreage in any county or other area as shall be obtained by downward adjustment of the respective soil-depleting bases, base acreages, or allotted acreage previously established for other farms in such county or other area, except as approved by the Agricultural Adjustment Administration.

The weighted average of the rate per acre for diversion from the general soil-depleting base and the weighted average base yield of cotton, tobacco, and peanuts for all farms for which soil-depleting bases are established in any county or other specified area shall not exceed the respective rate per acre or base yield established for such crop(s) for such county or other specified area by the Agricultural Adjustment Administration.

Section 5. Soil-Conserving Base. The soil-conserving base for a farm will be determined upon the basis of the 1936 acreage of soil-conserving crops on the farm, with such adjustment as is necessary to correct abnormally small or large acreages caused by unusual weather conditions or any increase in the acreage of such crops under the 1936 Agricultural Conservation Program. Such acreage shall, if necessary, be further adjusted for each farm so as to represent an acreage of soil-conserving crops which is fair and equitable for the farm as compared with other farms in the locality which are similar with respect to size, past production of crops, and farming practices, and shall in no event be less than the total acreage of cropland minus the sum of the soil-depleting bases and the normal acreage of neutral cropland on the farm.

The total of the soil-conserving bases for farms in any county or other area shall not be greater than the maximum or less than the minimum acreage established for such bases in the county or other area by the Agricultural Adjustment Administration.

PART IV. MISCELLANEOUS PROVISIONS

Section 1. Land To Be Included Under Application. An application may be submitted with respect to any farm or with respect to any two or more farms operated by the same person.

Section 2. Application and Eligibility for Payment.

- (a) Payment will be made only upon applications submitted through the county office. The Secretary reserves the right to withhold payment to any person who fails to file any form or furnish any information required with respect to any farm in which he is interested as owner or operator and to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the Director of the East Central Division.
- (b) An application for payment may be made by any person who as owner, operator, share-tenant or share-cropper is entitled to receive a share or all of the crops produced on the farm in 1937 or the proceeds therefrom or who incurs any part or all of the expense of carrying out a soil-building practice on the farm.
- (c) In case a farm is located in two or more counties, the farm shall be regarded as being in the county in which the principal dwelling on such farm is located, or, if there is no dwelling on such farm, in the county in which the major portion of the farm is located.
- (d) Any person who files an application for payment in a county shall file an application with respect to each farm owned or operated by such persons in the county. Upon request by the State Committee such person also shall file an application with respect to any farm owned or operated by him in any other county.

Section 3. Membership in Association. Any person having an interest in the crops produced on any farm, or the proceeds thereof, who is not a member of the County Agricultural Conservation Association for the county in which such farm is located shall become a member of such association whenever any form or information required in connection with the 1937 Agricultural Conservation Program is submitted for such farm. Any person shall cease to be a member of the association if an application for payment is not filed by him within the time specified by the Director of the East Central Division for the filing of applications.

Section 4. Division of Payments. Payments with respect to any farm included under an application shall be divided as follows:

(a) Diversion Payment With Respect to Cotton and Peanuts.

- (1) $37\frac{1}{2}$ percent to the producer who furnished the land,
- (2) $12\frac{1}{2}$ percent to the operator, and
- (3) 50 percent to be divided among the producers who are parties to the lease or operating agreement in the proportion that such producers are entitled to share in the cotton or peanut crops, respectively, grown on the farm in 1937, or the proceeds thereof.

(b) Diversion Payment With Respect to Tobacco and General Soil-Depleting Crops.

- (1) 15 percent to the producer who furnished the land,
- (2) 15 percent to the operator, and
- (3) 70 percent to be divided among the producers who are parties to the lease or operating agreement in the proportion that such producers are entitled to share in the tobacco or in the general soil-depleting crops, respectively, grown on the farm in 1937, or the proceeds thereof.

(c) Payment With Respect to Soil-Building Practices. The Soil-building payment with respect to the acreage on which any approved soil-building practice is carried out on any farm shall be made to the producer or the person who rents the land to a producer for cash or for a fixed commodity payment whom the County Committee determines, under instructions issued by the Secretary, has incurred the expense in 1937 of carrying out such soil-building practice; if the County Committee determines that two or more such persons have shared in bearing the expense incurred in carrying out such practice on the farm, the soil-building payment calculated for the particular acreage with respect to which such persons shared in such expense shall be divided equally among them.

Section 5. Multiple Farm Holdings. If a person who has made application for a payment with respect to any farm or farms has an interest as owner or operator in another farm or farms in the county on which the acreage used for the production of crops included in any soil-depleting base exceeds such base and such other farms or farms have not been included in an application under which a payment can be made, the payment to be made to such person shall be decreased by an amount equal to such person's share of the net deductions with respect to such other farm or farms.

The provisions of this section may be extended to include farms in two or more counties in the State in which any person as owner or operator is entitled to receive a share of the crops produced thereon, or the proceeds thereof, if the acreage used for the production of any soil-depleting crop(s) on any such farm has been increased to such an extent as to tend to defeat the purposes of the 1937 Agricultural Conservation Program.

PART V. DEFINITIONS

As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program in the East Central Region, the following terms shall have the following meanings:

Secretary means the Secretary of Agriculture of the United States.

East Central Region means the area included in the States of Delaware, Maryland, Virginia, West Virginia, North Carolina, Kentucky, and Tennessee.

East Central Division means the division in the Agricultural Adjustment Administration in charge of the 1937 Agricultural Conservation Program in the East Central Region.

State Committee, State Agricultural Conservation Committee, or State Office means the group of persons designated for any State to assist in the administration of the 1937 Agricultural Conservation Program in such State.

County Committee, County Agricultural Conservation Committee, or County Office means the group of persons designated for any county to assist in the administration of the 1937 Agricultural Conservation Program in such county.

Person means an individual, partnership, association, corporation, estate, or trust, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof, or any other government agency that may be designated by the Secretary.

Operator means any person who as owner or share-tenant actively supervises and directs the farming activities throughout the 1937 farming season.

Owner means a person who owns land which is not rented to another for cash or for a fixed commodity payment; and shall include a person who rents land from another for cash or for a fixed commodity payment or who is purchasing land for cash or fixed commodity payments.

Sharecropper means a person who works a farm in whole or in part under general supervision of the operator and is entitled to receive for his labor a proportionate share of such crops, or the proceeds thereof.

Share-tenant means a person, other than an owner or sharecropper, who is working a part or the whole of a farm and is entitled to receive a portion of the crops produced thereon or the proceeds thereof.

Producer means an owner, and also means an operator, share-tenant, or sharecropper, who, under the terms of his lease or operating agreement, is entitled to share in the crops grown on the farm in 1937 or the proceeds thereof.

Cropland means all farm land which is tillable and on which at least one crop other than wild hay was harvested or planted for harvest between January 1, 1930, and January 1, 1937, and any other farm land devoted on January 1, 1937, to orchards or vineyards other than those abandoned.

Cotton soil-depleting base means the number of acres established for the farm as the acreage normally used for the production of cotton.

Tobacco soil-depleting base means the number of acres established for the farm as the acreage normally used for the production of tobacco.

Peanut soil-depleting base means the number of acres established for the farm as the acreage normally used for the production of peanuts.

General soil-depleting base means the number of acres established for the farm as the acreage normally used for the production of all soil-depleting crops other than cotton, tobacco, and peanuts.

Soil-conserving base means the number of acres established for the farm as the acreage of soil-conserving crops normally grown on the farm.

Minimum acreage of soil-conserving crops means the soil-conserving base for the farm plus the number of acres diverted from soil-depleting bases in 1937 for which payment can be made.

Diversion payment means a payment for the diversion of acreage from any soil-depleting base.

Soil-building payment means a payment for the carrying out of any approved soil-building practice.

Soil-building allowance means the largest amount for any farm that may be obtained as a soil-building payment.

Farm means all land which is farmed by an operator in 1937 as a single unit with work stock, farm machinery, and labor substantially separate from that for any other land; provided that any such unit shall not be considered a farm unless the County Committee finds, from a consideration of such factors as size of unit, amount of labor applied, nature of farming operations, and practices carried out, that the participation of such unit in the 1937 Agricultural Conservation Program would tend to promote the economic use and conservation of the land and preserve and improve its fertility for agricultural purposes.

Commercial orchard means any acreage in tree fruits, cultivated nut trees, vineyards, or bush fruits on the farm on January 1, 1937, from which the principal part of the production is normally sold off the farm, including also the acreage of young non-bearing orchards from which the principal part of production will be sold in 1937 or later.

Commercial vegetables means any acreage of vegetables or truck crops (including also potatoes, sweet potatoes, sweet corn, melons, cantaloupes, and strawberries, but excluding sweet corn for canning (and peas for canning), from which the principal part of the production was sold off the farm in 1936.

Animal Unit means one cow, one horse, five sheep, five goats, two calves, or two colts, or the equivalent thereof.

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PROPOSED 1938 AGRICULTURAL CONSERVATION PROGRAM

I. Outline of Program

There will be established for each farm in the East Central Region:

- (a) a goal for all soil-depleting crops and for crops such as cotton, tobacco, peanuts, etc.,
- (b) a goal for soil-conserving crops,
- (c) a goal for soil-building practices, and
- (d) a maximum payment which may be earned.

Under certain conditions farmers may, if they choose, receive superphosphate and limestone in lieu of part or all of the payment.

The payment for each farm would be the maximum payment less deductions for failure to accomplish in full the goals for the farm.

NOTE: A goal for specified crops other than cotton, tobacco, or peanuts would be considered if a referendum showed that the majority of the commercial growers favored the goal.

II. Establishment of Goals

A. State Goals. State goals would be established on the basis of 1935, 1936, and 1937 acreage with adjustments for abnormal weather conditions, differences in the influence of Agricultural Adjustment Administration Programs on production, and for definite trends.

B. County Goals. County goals would be established by the State offices with the assistance of the County offices subject to approval by the Director of the East Central Division.

III. Determination of Payment

A. Calculation of Maximum Payment. The maximum amount which may be earned as a payment under the 1938 Agricultural Conservation Program for each farm shall be the sum of the following:

- (1) _____ cents per pound of the normal yield per acre of cotton for the farm on an acreage equal to the cotton goal.
- (2) _____ cents (varying with the kind of tobacco) per pound of the normal yield per acre of tobacco for the farm on an acreage equal to the tobacco goal.
- (3) _____ cents per acre (varied among States, counties, and farms in accordance with variations in productivity) on an acreage equal to the peanut goal.

- (4) _____ dollars per acre (varied among States, counties, and farms according to productivity) on an acreage equal to the total soil-depleting goal minus the goals for cotton, tobacco and peanuts. This item shall be included only when less than 80 per cent of the soil-depleting crops in the goal (other than cotton, tobacco, and peanuts) are required for home consumption on the farm.
- (5) _____ cents per acre on an acreage equal to the soil-conserving goal.

B. Payment for Performance. The payment with respect to each farm will be the maximum payment less the sum of the following:

- (1) _____ dollars per acre for each acre of cotton in excess of the goal.
- (2) _____ dollars per acre for each acre of tobacco in excess of the goal.
- (3) _____ dollars per acre for each acre of peanuts in excess of the goal.
- (4) _____ dollars for each acre of soil-depleting crops in excess of the total soil-depleting goal. This item shall be included only when less than 80 per cent of the soil-depleting crops in the goal (other than cotton, tobacco, and peanuts) are required for home consumption on the farm.
- (5) _____ dollars per acre for each acre of soil-conserving crops less than the soil-conserving goal, and for each acre of soil-building practices less than the goal for soil-building practices.

IV. Small Farms

For any farm on which the normal acreage of cotton does not exceed two acres, the normal acreage of tobacco does not exceed one-half acre, the normal acreage of peanuts does not exceed two acres, or the normal acreage of all soil-depleting crops does not exceed 20 acres, the goal for such respective crop shall be the normal acreage thereof.

V. Substitution of Materials for Payment

Wherever it is found feasible, limestone and superphosphate may be furnished by the Agricultural Adjustment Administration for use in carrying out soil-building practices approved for any farm. A minimum of six tons of limestone and one ton of superphosphate may be supplied if needed to carry out approved practices for any farm. The value of such materials will be deducted for any payment which otherwise would be made with respect to the farm.

VI. Classification of Crops

A. Soil-depleting. The following crops and land uses shall be considered as soil-depleting:

B. The following crops and land uses shall be considered as soil-conserving:

NOTE: The classification of crops will be the 1937 classification with such modifications as may be agreed upon, including modifications relating to double counting and half counting.

VII. Soil-Building Practices

The soil-building practices for each farm shall be approved by the County Committee and shall be carried out in accordance with good farming practices prior to October 31, 1938. The following may be approved as soil-building practices for any farm, provided that not more than one-half of all of the practices approved for a farm shall consist of the seeding of legumes and perennial grasses.

- (1) Seeding legumes and perennial grasses.
- (2) Plowing or discing under green manure crops.
- (3) Applying not less than 1000 lbs. per acre of ground limestone or its equivalent.
- (4) Applying not less than 100 lbs. per acre of 16 per cent superphosphate or its equivalent in connection with the seeding or maintaining of any legume or perennial grass or on permanent pasture.
- (5) Applying not less than 30 lbs. per acre of 50 per cent muriate of potash or its equivalent on land on which superphosphate has been applied as provided in paragraph (4) above.
- (6) Control of Erosion in accordance with methods approved by the East Central Division.
- (7) Planting forest trees or improving the stand of forest trees.

NOTE: Handling of Fractions

- (1) For goals other than tobacco: round to nearest acre;
- (2) For tobacco goal: round to nearest 1/10 acre;
- (3) For rates used in calculating maximum payments: round to nearest 10¢;
- (4) For rates times goals: round to nearest \$1.

ARTICLE I

Section 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

Section 3. The Senate shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have the Qualifications requisite for Senators of the most numerous Branch of the State Legislature.

Section 4. The Times, Places and Manner of holding the Elections of Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of Elections.

Section 5. The Congress shall assemble at least once in every Year, and such Meeting shall be held on the first Monday of December, unless they shall by Law appoint a different Day.

Section 6. The Congress shall be held at such Place as they may by Law determine; and until they meet, such Meeting shall be held at the City of New York.

Section 7. All bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as to the Form of such Bills.

Section 8. The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

Section 9. The Congress shall have Power to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes; to establish an uniform Rule of Naturalization; to coin Money, to regulate the Value thereof, and of foreign Coin, and to fix the Standard of Weights and Measures.

Section 10. No State shall enter into any Treaty, Alliance, or Confederation with a foreign Nation, or State, or send Ambassadors, or Consuls, or other public Ministers, or receive them; or grant Letters of Marque and Reprisal, or enter into any War, unless authorized by the Congress, or in Cases of imminent Danger, when it may be necessary for the self Preservation of the State.

Section 11. The Congress shall have Power to declare War, to issue Letters of Marque and Reprisal, and to make Rules concerning Captures on Land and Water.

Section 12. The Congress shall have Power to declare and authorize the Issue of Money on the Credit of the United States, and to borrow Money on the Credit of the United States, and to regulate the Value thereof.

Section 13. The Congress shall have Power to regulate the Commerce and Finance of the United States, and to regulate the Value thereof.

Section 14. The Congress shall have Power to regulate the Commerce and Finance of the United States, and to regulate the Value thereof.

Section 15. The Congress shall have Power to regulate the Commerce and Finance of the United States, and to regulate the Value thereof.